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Secta. II—37—100,000—31-3-39.

# Home (1947) Department.

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## I.S. SERIES.

G.U. No. 4736

Dated 23-12-47

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[Despatch Abstract.]

CR ; ARMS ACT ; ADMINISTRATION CONSEQUENT ON THE PARTITION OF INDIA ; INSTRUCTIONS OF THE GOVERNMENT OF INDIA ; RECORDED.

GOVERNMENT OF MADRAS
Abstract

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ACT - Arms Act - Administration consequent on the partition of India— Instructions of the Government of India - Recorded.

Home Department.

G.O. (Ms) No. 4736. Dated, the 23rd December 1947
READ - the following:-

1. From the Government of Assam, Home Department, Letter No. HM1-132/47 dated the 18th October 1947.
2. From the Government of India, Ministry of Home Affairs, No. 15/83/47-Police dated the 10th December 1947.

Subject: Administration of the Arms Act.

I am directed to enquire whether the Government of India propose to issue any directive on the subject of the issue and renewal of arms licenses in view of the partition of India. Since the administration of the Arms Act is not governed, like the Motor Vehicles Act, by an order providing for reciprocity between the Dominions this Government presume that the following position results from the Partition:-

1. Licences valied for British India//an undivided province on 14th August e.g.-for going armed or for sport, protection or display will pending renewal continue to be valid for the same areas even though these fall now in both Dominions, unless explicibly recalled and corrected.

2. Licenes valid for a single district will similarly continue to be valid for parts of that district even though these fall now partly in the India Union and partly in Pakistan.

3. If a licence has hitherto been current under the hand of a District Magistrate in Pakistan, it cannot be transferred to a register in the Indian Union, ~~put~~ but application must be made for a new licence, and vice versa.

4. When a licence is due for renewal the renewing authority can only validate it for a jurisdiction within which he wields authority under the existing Act, as applicable to the Union of India or Pakistan i.e. (subject to any further directions that may be given) for the Union of India or for the present province which he serves or for his own district. It would appear desirable that the exact conditions should be made plain to licensees.

5. If a licensee wishes to validate a license in another Dominion or Province, he must obtain a new license for the same weapon.

Since renewals will become due in about two months' time I am to say that this Government would appreciate very early intimation whether these conclusions are correct and whether the Central Government have any further instructions to give.

2.

Sub: Administration of the Arms Act consequent on the partition of India

With reference to your letter No.HM-1-132/47 dated the 18th October 1947, I am directed to say that by virtue of the provisions of the India (Adaptation of Existing Indian Laws) Order 1947, the Indian Arms Act and Rules as applicable to the Indian Dominion extend only to the territories within the Indian Provinces. By virtue of Article 12 of that Order, all existing licences duly issued under the Indian Arms Act and Rules before the 15th August 1947, shall be deemed to have been issued by competent authority under the Act and Rules as applicable to the Dominion of India. The correct position regarding the points raised in your letter is stated below:-

(1) The licences issued to persons in the Indian Dominion are valid only within the areas which comprise the Provinces of the Indian Dominion and are not valid in the territory now in Pakistan unless the law of that Dominion permits it.

(2) The divided Provinces and Districts obviously lose their

former indentity. In the case of arms licences which extend within former Provinces and districts of India, which have now been partitioned, the extend of the validity of a licence should, so far as the Indian law goes, be deemed to be limited to the areas which now fall within the Indian Dominion. Their validity in the areas now falling in Pakistan is governed by the laws of that Dominion.

(3) A licence which was duly made before the appointed day by a District Magistrate now in Pakistan but which extends to an area now in the Indian Dominion continues to be valid within that area. Its validity in the area which now falls within the territory of Pakistan is dependent on the law of that Dominion.

(4) The views of the Provincial Government is correct.

(5) If a licencee wishes to validate his licence outside the area within the Provinces of the Indian Dominion, he must evidently seek a fresh licence from the competent authority in that area unless that authority does not consider the necessity of a fresh licence.

2. I am to add that the relevant Provisions of the Pakistan (Adapataion of existing Pakistan Laws) Order 1947 are similar to those in the corresponding Indian Order and hence unless the Pakistan Government has in the meantime amended its Arms Act, 1878 the position of the licence issued before the 15th August 1947 in Pakistan will be the same as in India.

ORDER:

Recorded.

(By order of His Excellency the Governor)

O. PULLA REDDI
Secretary to Government.

To all District Magistrates.
To the Commissioner of Police, Madras.
To the Inspector-General of Police, Madras.4.
To the Board of Revenue, Madras.2.

/True copy/

Office Assistant,
Madras Record Office, Egmore.

Sk.

30/12/53